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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,837	05/21/2002	Motoki Kato	275749US6PCT	2212.
22850 7590 07/20/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER NGUYEN, HUY THANH	
			ART UNIT 2621	PAPER NUMBER
			NOTIFICATION DATE 07/20/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

## Office Action Summary

Application No.

10/018,837

Applicant(s)

KATO ET AL.

Examiner

HUY T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada (6,999,674) in view of Swenson et al (6,064,380)..

Regarding claim 1, Hamada discloses an information processing apparatus (Figs. 1-3, 9-11, columns 2, 9-10) comprising:

generating means for generating the playback designation information (playlist) specifying the sequence of reproducing the information recorded on a recording medium and the management information supervising said playback designation information; and

recording means for recording said playback designation information and said management information, generated by said generating means, on said recording medium (Figs. 1, 3-4, 9-10);

said management information containing the name information (playlist name, Fig. 9) ) pertinent to the name assigned to said playback designation information at a time point of completion of playback which is based on said playback designation information;

said playback designation information containing the temporal information on a time point of completion of reproduction which is based on said playback designation information (playlist start time and playlist end time Figs. 10, 27-29, column 9-10) .

Hamada fails to specifically teach means for generating a resume file . Swenson teaches a reproducing apparatus having a control means for generating a resume file indicating a particular file for play back (Fig. 3 column 4, line 16 to column 5, line 23).

It would have been obvious to one of ordinary skill in the art to modify Hamada with Swenson by providing a control means with the apparatus of Hamada for generating a resume file thereby enhancing the capability of the apparatus of Hamada to provide more convenience to the user in reviewing a portion of the recorded information when needed .

Method claims 2-4 correspond to apparatus claim 1. Therefore method claims 2-4 are rejected by the same reason as applied to apparatus claim 1. Further for claims 2-4, Hamada teaches using a program or a program on a medium (13, Fig. 1 column 5, lines 50-65) comprise the steps recited in claims .

Regarding claim 5, Hamada discloses an information processing apparatus (Fig. 1) for reproducing the main information from a recording medium having recorded thereon the playback designation information specifying the playback sequence of said main information recorded and the management information supervising said playback designation information (Figs. 3-4, 9-10), said apparatus comprising:

control means for controlling the playback of the main information on said recording medium based on said management information containing the name information pertinent to a name assigned to said playback designation information at a time point of completion of playback, performed in accordance with said playback designation information, and on said playback designation information containing the temporal information on time point of completion of playback performed in accordance with said playback designation information. (Figs. 27-29, columns 11-12).

Hamada fails to specifically teach means for generating a resume file . Swenson teaches a reproducing apparatus having a means for generating a resume file indicating a particular file for play back (Fig. 3 column 4, line 16 to column 5, line 23).

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It would have been obvious to one of ordinary skill in the art to modify Hamada with Swenson by providing a control means with the apparatus of Hamada for generating a resume file thereby enhancing the capability of the apparatus of Hamada to provide more convenience to the user in reviewing a portion of the recorded information when needed .

Method claims 6-7 correspond to apparatus claim 5. Therefore method claims 6-7 are rejected by the same reason as applied to apparatus claim 5.

Further for claims 6-7, Hamada teaches using a program or a program on a medium (13, Fig. 1 column 5, lines 50-65) comprise the steps recited in claims .

3. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saeki et al (7,079,757 in view of Swenson et al (6,064,380)..

Regarding claims 1 and 5, Saeki discloses an information processing apparatus (Figs. 15-18) for recording information and management information on and from a recording medium comprising:

generating means for generating the playback designation information (reproduction order ) specifying the sequence of reproducing the information recorded on a recording medium and the management information supervising said playback designation information(column 22, lines 25-45); and

recording means for recording said playback designation information and said management information, generated by said generating means, on said recording

medium (Figs.24-25);

said management information containing the name information (title or cell number )) pertinent to the name assigned to said playback designation information at a time point of completion of playback which is based on said playback designation information (column 9, columns 17-18, column 21, lines 1-14);

said playback designation information containing the temporal information on a time point of completion of reproduction which is based on said playback designation information (column 10, lines 33-60).

Saeki fails to specifically teach means for generating a resume file . Swenson teaches a reproducing apparatus having means for generating a resume file indicating a particular file for play back (Fig. 3 column 4, line 16 to column 5, line 23).

It would have been obvious to one of ordinary skill in the art to modify Saeki with Swenson by providing a control means with the apparatus of Saeki for generating a resume file thereby enhancing the capability of the apparatus of Saeki to provide more convenience to the user in reviewing a portion of the recorded information when needed.

Method claims 2-4 ,6-7 correspond to apparatus claims 1 and 5 . Therefore method claims 2-4 and 6-7 are rejected by the same reason as applied to apparatus claims 1,5 and 9.

Further for claims 2-4 and 6-8, Saeki teaches using a program or a program on a medium that comprises the steps recited in claims 2-4 and 6-7 since Saeki

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teaches that the apparatus uses a computer for controlling the recording and reproducing the information and the management information .

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brown et al teaches apparatus for generating resume files .
5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H.N

  
HUY NGUYEN  
PRIMARY EXAMINER